

BOARD OF MAYOR AND ALDERMEN

April 3, 2007

**7:30 PM
Aldermanic Chambers
City Hall (3rd Floor)**

Mayor Guinta called the meeting to order.

The Clerk called the roll.

Present: Alderman Roy, Gatsas, Long, Duval, Osborne, Pinard, O'Neil,
Lopez, Shea, DeVries, Garrity, Smith, Forest

Absent: Alderman Thibault

3. Presentation by City Year of upcoming annual convention being held
June 11-15, 2007 at St. Anselm's College.

City Year representative stated first of all I want to thank all of you for having us here tonight for this announcement. We are here to tell you guys about a conference that's really exciting that cyzygy is bringing to Manchester in June. About a year ago we started talking with Mayor Guinta bidding for the cyzygy convention which is City Year's National Convention and bringing that to Manchester. It's sort of like the Olympics you have to go and bid against the other City Year sites for our hosting this conference. The Timberland Company came on board as a presenting sponsor for the event and we started to build a coalition of people that were supporting our effort to bring this conference to Manchester. The Honorary Co-Chair has signed on who are Governor Lynch, Senator Gregg, and Jeff Swartz from the Timberland Company. Then we able to secure Mayor Guinta and Mayor Marchand of Portsmouth to Co-Chair the host committee. We found out in June of last year that we were given the bid to host our conference here in Manchester in June. Which is really exciting, the host college is St. Anselm College they are giving a discount are partnering with us to make this happen. This City Year is going to bring 2,000 people here in June for a week. It's our core members from across the country so while we have 45 young people serving here in Manchester now, or New Hampshire now, we will have our colleagues from all over the country from the 18 sites all over the country and also our site in South Africa coming to celebrate the end of our year. It an annual conference, it serves two purposes, both to honor and celebrate the AmerCorp members at the end of their year, they graduate about two weeks after the conference, but also to build the reputation and energy around the national service movement. And that's why rotate where the conference is held and who attends the conference. We will be able to provide all of you with more updates as we go along but we are officially announcing this conference tomorrow at a press conference at St. Anselm College and we wanted to come before you tonight and let you all know about this exciting news. But we will be able to come with updates in the future. A couple of key highlights of the event is it is five days there will be lots of evening events where we will have speakers come and speak to our core and to external participants, champions of

ours here in New Hampshire, but the highlight of the week is the huge service day at the end of the week on Friday, the 15th of June which will be 2,500 people in service most of which will be here in Manchester, and so there is a team of people that have been working with lots of people on the ground here to define what that is and how that service and that manpower can support the City of Manchester. I want to thank the Mayor, Bob MacKenzie who is on our host committee, Dan O'Neil for his help as well throughout this process.

Mayor Guinta stated I think City Year has been doing a wonderful job in our City and in other communities in the State so we certainly appreciate their interest and continued interest in supporting our city and the young kids of our city they have been working very diligently over the last year to try to make this happen and it seems to be coming along very nicely. So I am very honored to be part of it, and I think that we as a Board of Mayor and Aldermen are hopefully to be gracious hosts to those 2,000 people that will be coming and visiting our city.

Alderman Forest commented I had about 20 or 25 members of the City Year in my Ward this past summer and would rake plastic bags and wheel barrels and all that and I know I appreciate their work in my Ward so they did very well.

Alderman O'Neil stated I would like to thank the Mayor for his efforts and thank I know City Year has met with a wide number of city departments who are going to provide some support efforts with this I think it's my understanding not only will there be people with St. A's but there will also be a lot of people within the city of Manchester, so it's important for the city to play a role in hosting this. So, I just wanted to thank you Your Honor and thank the departments for their efforts to date and commit to CityYear the support of this board as we move forward.

4. Presentation updating the Board on MTA's plans to implement the Comprehensive Operations Analysis (COA) prepared by Edwards & Kelcey through Southern NH Planning Commission.

This item was addressed in Public Participation.

CONSENT AGENDA

Mayor Guinta advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Accept BMA Minutes

- A. Minutes of meetings of the Board of Mayor and Aldermen held on January 2, 2007 (three meetings) and January 16, 2007 (two meetings).

Ratify and Confirm Poll Conducted

- B.** On March 27, 2007 approving acceptance of additional \$5,000 for the FY2007 CIP 211107 Substance Abuse Treatment Service Program and authorizing execution of agreement with the State of NH no later than April 2, 2007.

(Aldermen Gatsas, Long, Duval, Osborne, Pinard, O'Neil, Lopez, Shea, Garrity, Smith and Forest voted yea; Aldermen Roy, DeVries and Thibault were unavailable.)

Approve under supervision of the Department of Highways

- C.** PSNH Pole Petition #11-1150 located on Hanover Street.

Informational – to be Received and Filed

- E.** Communication from Karen DeFrancis, School District Business Administrator, advising of the School Board's vote that the number one CIP priority is to complete the repairs needed on the Hallsville roof.
- F.** Communication from the State of NH Department of Environmental Services (DES) Wetlands Bureau advising of a joint public hearing involving the Airport, the FAA, the NHDES – Wetlands Bureau and the US Army Corps of Engineers to be held on Thursday, April 12, 2007 at 11 AM at 29 Hazen Drive, Concord, NH (Rooms 112 & 113) on a wetland permit application for property located on South Willow Street in Manchester, Tax Map 721, Lot 7.
- G.** Communication from the State of NH Department of Transportation reaffirming that portions of property located easterly of NH Route 3A will be required for the construction, reconstruction, maintenance and operation of the Manchester Airport Access Road.

REFERRALS TO COMMITTEE

COMMITTEE ON FINANCE

- H.** Appropriating Resolutions:

“A Resolution appropriating to the Manchester Airport Authority the sum of \$58,865,030 from Special Airport Revenue Funds for Fiscal Year 2008.”

“A Resolution appropriating the sum of \$15,007,892 from Sewer User Rental Charges to the Environmental Protection Division for Fiscal Year 2008.”

“A Resolution appropriating to the Parking Fund the sum of \$5,299,591 from Parking for the Fiscal Year 2008.”

“A Resolution appropriating the sum of \$2,253,110 from Recreation User Charges to the Recreation Division for Fiscal Year 2008.”

“A Resolution appropriating to the Manchester Transit Authority the sum of \$1,176,714 for the Fiscal Year 2008.”

“A Resolution appropriating to the Manchester School District the sum of \$147,250,000 for the Fiscal Year 2008.”

“A Resolution appropriating to the Manchester School Food and Nutrition Services Program the sum of \$5,898,950 from School Food and Nutrition Services Revenues for Fiscal Year 2008.”

“Raising Monies and Making Appropriations for the Fiscal Year 2008.”

“Approving the Community Improvement Program for 2008, Raising and Appropriating Monies Therefore, and Authorizing Implementation of Said Program.”

“Appropriating all Incremental Meals and Rooms Tax Revenue Received by the City in Fiscal Year 2008 and held in the Civic Center Fund, for the payment of the City’s Obligations in Said Fiscal Year Under the Financing Agreement.”

“A Resolution appropriating to the Central Business Service District the sum of \$244,000 from Central Business Service District Funds for Fiscal Year 2008.”

I. Resolution:

“Continuation of the Central Business Service District.”

J. Resolutions:

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Nine Hundred Dollars (\$5,900) for the FY2007 CIP 210207 Immunization Services.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Dollars (\$5,000) for the FY2007 CIP 210607 School Based Dental Services.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Seven Hundred and One Dollars (\$5,701) for the FY2007 CIP 210707 STD Clinical and DIS Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Dollars (\$5,000) for the FY2007 CIP 211107 Substance Abuse Treatment Service Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Thousand Dollars (\$40,000) for the FY2007 CIP 214307 Girls Inc. Facility Improvement Project.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Three Hundred Dollars (\$2,300) for the FY2007 CIP 214407 Senior Wellness Funding Initiative Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Thousand Dollars (\$7,000) for the FY2007 CIP 412307 Mayor’s Youth Advisory Council High School Dropout Reduction Project.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Six Thousand Five Hundred Thirty Four Dollars (\$6,534) for the FY2007 CIP 412407 Public Safety Interoperability Portable Radios Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Thirty Thousand Dollars (\$130,000) for the 2007 CIP 511407 Black Brook Dam Removal Engineering (Watershed Restoration) Project.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for the 2007 511807 Recreational Improvements Fund Project.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Dollars (\$5,000) for the 2007 CIP 511907 Preservation of the City of Manchester’s Cemetery Records Project.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Four Hundred Thousand Dollars (\$400,000) for the FY2007 CIP 610407 Housing Rehab/Lead Hazard Control Program.”

“Authorizing the Finance Officer to effect a transfer of Nine Thousand Dollars (\$9,000) from Contingency to Human Resources – Unemployment Compensation.”

REPORTS OF COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT

- K.** Recommending that amending resolutions and budget authorizations providing for acceptance and expenditures of funds be approved as follows:

210207 Immunization Services, \$5,900
210607 School Based Dental Services, \$5,000
210707 STD Clinical and DIS Program, \$5,701
214307 Girls Inc. Facility Improvement Project, \$40,000
214407 Senior Wellness Funding Initiative program, \$2,300
412307 Mayor’s Youth Advisory Council High School Dropout Reduction Project, \$7,000
412407 Public Safety Interoperability Portable Radios Program, \$6,534
411407 Black Brook Dam Removal Engineering (Watershed Restoration) Project for \$130,000
511807 Recreational Improvements Fund Project, \$10,000
511907 Preservation of the City of Manchester’s Cemetery Record Project, \$5,000
610407 Housing Rehab/Lead Hazard Control Program, \$400,000.

The Committee notes that the Planning Director has been requested to provide information to the Board regarding the Public Safety Interoperability Portable Radios Program prior to the April 3rd meeting of the Board.

(Unanimous vote except for Alderman Duval who was absent.)

- L.** Advising that it has referred the negotiations, resolutions and budget authorizations, if any, regarding the Blacksmith property on Second Street to the full Board of Mayor and Aldermen for consideration.

(Unanimous vote except for Alderman Duval who was absent.)

- M.** Advising that it has approved a request of the Planning Director to apply for Community Technical Assistance Program (CTAP) funds in the amount of \$15,000 to assist in planning for the redevelopment of the Hollow and Wilson Street neighborhoods.

(Unanimous vote except for Alderman Duval who was absent.)

- N.** Recommending that a request of MHRA and the Anagnost Companies for funding in the amount of \$500,000 for the Karatzas Avenue Housing Project be referred to the FY08 CIP budget process.

(Unanimous vote except for Alderman Duval who was absent.)

- O.** Recommending that the lighting system for the Victory Parking Garage in the amount of \$100,000 proposed by the Parking Manager to be replaced from 5200-7109-C700-05 be referred to the FY08 CIP budget process.
(Unanimous vote except for Alderman Duval who was absent.)
- P.** Recommending that a request for sewer abatement for 941 Elm Street be granted and approved in the amount of \$347.40 as recommended by EPD.
(Unanimous vote except for Alderman Duval who was absent.)
- Q.** Recommending that a request to extend the Citywide revaluation project through June 30, 2007 be approved and for such purpose a revised budget authorization has been submitted to the Committee on Finance.
(Unanimous vote except for Alderman Duval who was absent.)

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN SMITH, DULY SECONDED BY ALDERMAN O'NEIL, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

- D.** Communication from Randy Sherman, Deputy Finance Officer, updating the Board on the status of payments due the City on the Bridge and Elm project.

Alderman Lopez stated he wished to table this item as he had not had a chance because he had been ill the last couple days, he wanted to talk to and it was fair for the new Finance Officer because he doesn't too much about this.

On motion of Alderman Lopez, duly seconded by Alderman Garrity, it was voted to table this item.

Report of Committee on Public Safety/Traffic

- R.** Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.

Alderman Forest first I want to discuss the flashing signals but want to move the balance of the Traffic Committee report. Following clarification Alderman Forest addressed the report with regard to the flashing signals stating this flashing signal apparently Alderman Osborne brought up on several occasions on Massabesic and Cypress Streets. I have a report here from the Traffic Department, Lt. John Hopkins that I requested. There are four way stop signs now that I was under the impression that there were no four way stop signs to be erected other than school areas. The four way stop signs are up not much I can do about that. But, Alderman Osborne is asking for \$3,500 and I believe that it's come before this Board twice already and we referred it once to his committee and then the second time we referred it to CIP. From what I understand at CIP they had talked to the Highway Department and it was referred to the 2008 budget. I want to refer it to the 2008 budget but the thing that I am saying is the four way stop sign they work very well and I can't see spending \$3,500 for flashing lights at that intersection when there has

only been 11 accidents reported in three years and there's only been two that actually were involved in injuries. The flashing lights and the money spent for a flashing light there is not necessary. I just want to make a motion that we refer the flashing light to the 2008 budget process.

Deputy City Clerk Johnson stated the flashing signals that are a part of this are actually part of a traffic regulation and separate from the budget so the motion would be to remove that item and send it back to the Traffic Committee pending adoption of the FY2008 budget I guess, if that is what you are trying to tie it to.

Alderman Forest so moved to amend the report by removing the flashing signals back to the Traffic Committee pending adoption of the FY2008 budget. Alderman Lopez duly seconded the motion.

Alderman O'Neil stated even if we approve this tonight it is not funded correct, it's still referred to the 08 budget.

Mayor Guinta stated that was correct.

Alderman Lopez asked for clarification, stating he was informed and I would yield to the Alderman that the money, Highway Department is going to give him the money in this year's budget.

Alderman Osborne stated that was true.

Mayor Guinta stated so it does not require an appropriation from this Board.

Alderman Osborne stated well it came through committee, and it's coming to the Board for approval but the monies are coming from the Highway Department budget.

Alderman DeVries stated maybe I could ask the Alderman from Ward 5 to clarify, is there still confusion with the newly installed four way stop signs and is that the reason you are looking for the flashing signals.

Alderman Osborne stated the reason I am looking for the flashing signals is for safety of course, that's number one, with that corner, I don't want to make a long story here but I was an alderman 25 years ago and they used to approach me then about getting some stop signs or lights or do something then, because they had a hard time coming out of Cypress Street looking left or right. So now that we have the four way stop signs there, the trouble is when you are coming down Massabesic and you are heading say West and when you are going around the curve there it's kind of a hard thing to see the stop sign because there is a slight angle to the right. So with a flashing signal you could be able to see it all the way up to Tarrytown Road so

it gives them a good idea that there is a four way stop or a stop coming up, rather than approaching it and at 30 miles an hour coming there and approaching the stop sign ahead they don't look at the stop sign with the arrow, a lot of people don't see, people don't see signs like they used to see signs years ago because there is too many of them out there, but the main thing is that they see the flashing red.

Alderman DeVries stated I agree with you that certainly newly installed signs are difficult to see and I just wasn't sure if now that the neighborhood is more familiar with the four way stop if it is still an issue that continues and you are telling me that the issue still continues.

Alderman Osborne stated well if it was a square corner I would say the four ways would be sufficient, but due to the angle of that corner it's not. I think it's going to make it probably worse if it stays the way it is now rather than putting the signals there and being on the safe side. That's why I am trying to finish that corner the way it should be.

Alderman Lopez stated I've seen the report from the Police Department did the committee look at the report, they recommended no flashing lights, did the Police Department want to speak on that.

Chief Jaskolka stated all I really have is Lt. Hopkins report and the chart that he did on the amount of accidents. It is a very small amount of accidents, 11 in three years, I go by that intersection two or three times a day and I've yet to see anybody run the stop signs there, of course I'm not there 24 hours a day, but that is my to and from work. At first it was a little confusing a lot of people were hitting the brakes really quick coming down Massabesic and then the second set of warning sign was put up which I think resolved the problem. So I'm not sure that there is a need for flashing light, again we have to go by the statistics that are there and 11 accidents in three years and part of that was without the stop signs isn't a lot for an intersection that is as well traveled as that it is a busy intersection. Cypress Street is fairly busy and Massabesic Street is definitely busy.

Alderman Lopez asked if there had been any accidents since the stop signs have been up.

Chief Jaskolka stated as of the last report that Lt. Hopkins had done there had not been one there this year.

Alderman Pinard stated he had just come back from Tampa Florida and some may laugh but they have a light up stop sign, the round perimeter there is a red light that flashes, and I would recommend the Traffic Department should look into that because that one street in Tampa is 27 miles long and they have some of those lights, so if it works in Tampa maybe we should look into it.

Alderman Osborne I think I have been an alderman going on 10 years, counting the two times, but I think each ward has it's alderman and the alderman in that ward should know basically what is needed. I am not doing this just for the fun of it, I think that corner definitely is going to have a bad one some day because people can't even cross the street let alone a car, but somebody crossing over there has to do the sign of the cross in order to cross because of the way that angles over there and it is very tough sometimes. Because some people have vendettas, I don't think this is the proper way of doing things here. I don't go against anybody else in their ward if they have an issue in their ward I usually go along with that alderman in the ward as far as safety. So I don't know what the big thing is here and I think the alderman should be the one to decide what he needs in his ward, and I don't see any harm with this at all I think it is going to help in the long run. It's not a lot of money.

Mayor Guinta called for a vote, the motion carried.

Deputy City Clerk Johnson stated they would look for a motion to accept the report as amended because the last action amended the report by deleting that item.

Alderman Forest so moved to accept the report as amended. Alderman Shea duly seconded the motion. The motion carried, none were recorded in opposition.

6. Nominations presented by Mayor Guinta:

Airport Authority

Donald Jorgensen to succeed Brian Cashman (resignation) as one of two Londonderry representatives term to expire March 1, 2009.

Board of Adjustment

John Lucas to succeed himself, term to expire March 1, 2010.

Central Business Service District Board

Peter Ramsey as an at-large member, term to expire May 1, 2009;

Ron Dupont as a district member, term to expire May 1, 2008;

George Bruno as a district member, term to expire May 1, 2009;

Paul I. Mansback as a district member, term to expire May 1, 2009; and

Tim Bechert as a district member, term to expire May 1, 2010.

Manchester Development Corporation

W. Stephen McMahon to succeed himself, term to expire March 11, 2010.

Under the rules these nominations will lay over to the next meeting.

I think every Board member is aware, but earlier I did receive the letter from our Parks, Rec and Cemetery Director offering his retirement effective April 27, 2007. Ron has been a valued member of this community and has worked for the City of Manchester for over 32 years and I believe has provided fantastic service to the youth of this City. He should be commended for his hard work. We are sorry to see him go, and I would ask for a motion to accept with regret.

Alderman Forest so moved to accept the retirement of Ronald Ludwig with regret. Alderman DeVries duly seconded the motion.

Alderman Lopez stated he had a call from Ron Ludwig and asked with the Mayor's permission to read the letter that he sent.

Mayor Guinta read the letter as follows:

"I wish to inform you that I will be leaving city service effective April 27, 2007. I have thoroughly enjoyed working for the city and will miss my co-workers and the friends I have made over the years. I have been extremely fortunate to serve the City and witness the enjoyment that so many children and adults have received from the affordable recreational opportunities they have been offered over the years.

I could not have been successful were it not for having two of the greatest mentors of all time; Clem Lemire, former Director and C. Arthur Soucy former Commissioner. I owe what I have today in large part to these individuals.

I leave the Parks, Recreation and Cemetery Department in extremely good condition and hope that our City Fathers will continue to view the parks system as a valuable asset that they should continue to invest in. I have attempted to build on a parks' system that was put in place by my predecessor. I am proud to say that today Manchester has some of the finest facilities at West and Memorial High Schools as well as regional parks at Livingston and Derryfield. All recreational facilities are in excellent operating condition and should provide years of cost effective use assuming proper maintenance and upkeep take place.

I leave the department with a very capable hardworking administrative staff who are dedicated professional people. All employees should be proud of what they have accomplished, working understaffed and without large amounts of credit. The taxpayers should know that some of the hardest working, most caring, and down to earth people work in the Parks, Recreation and Cemetery Department. Parks, Recreation and Cemeteries are extremely important to quality of life issues in any city. On many occasions and because what they do is accomplished without fanfare or publicity, their efforts are taken for granted.

I would like to thank everyone who has contributed to making my 32 ½ years the best experience anyone could ask. I wish the Board of Mayor and Aldermen and the entire City the very best in the future.

S/Ronald E. Ludwig, Director
Parks, Recreation and Cemetery Department"

Alderman Lopez stated I would like to make a couple of comments since I was a Commissioner for 18 years there and seeing this young man come up from being a labor all the way to Superintendent of Parks and Recreation. I don't know what happened in the process of him leaving in the midst of this budget season, but surely he's a recreational person that has devoted a lifetime to this City. It think he is going to be tremendously missed and the recreation area there is a lot of unknowns to a lot of the aldermen and everybody else that makes recreation in the city of Manchester work. It's working with people tremendously for example all the little leagues contribute volunteer services and monies to little leagues to have somebody pick up and leave like this I just cannot believe that he leaving with a good taste in his mouth, and I'm really

sorry for whatever happened but I wish that the, this letter is written very good but I don't think that's the reason.

Mayor Guinta called for a vote, there being none opposed the motion carried.

7. Communication from Alderman Long seeking the Board's support in appointing Seumas J. Regan to fill the vacated position of School Committee Member for Ward 3.

Alderman Long stated I have every confidence that Mr. Regan will play an active role on the Board representing well Ward 3 of Manchester. Alderman Long recognized Mr. Regan who was present. I ask the aldermen to please feel free to call him and ask any questions you may. Alderman Long nominated Seumas J. Regan to fill the vacant see in Ward 3 for the Board of School Committee and requested the nomination lay over. Alderman Roy seconded the motion. The motion carried.

8. Report of the Committee on Community Improvement, if available.

A report of the Committee on Community Improvement was presented recommending that the Board of Mayor and Aldermen authorize execution of a purchase and sales agreement in the amount of \$115,000 as outlined herein in a communication from the Director of Planning, subject to the review and approval of the City Solicitor. The Committee further recommends that funding and expenditures of same be approved through Resolution and Budget Authorizations for the CIP 512007 Bass Island Blacksmith Shop Site Acquisition herein submitted.
(Unanimous vote.)

Alderman Smith moved to accept, receive and adopt the report. Alderman Garrity duly seconded the motion. There being none opposed the motion carried.

A report of the Committee on Community Improvement was presented recommending that funds in the amount of \$369,998.83 available from the Notre Dame Bridge Settlement be approved for the CIP 811607 Hallsville School Roof Repair Project and for such purpose a resolution and budget authorization have been submitted. The Committee advises that the project will require additional funding and recommends approval of the \$120,000 presently reflected in the FY08 CIP Cash tables and an additional \$100,000 is anticipated to be required in FY09. The Committee notes that a contract will be presented for approval to bind future Board's to the additional funding required.
(Unanimous Vote)

Alderman Shea moved to accept, receive and adopt the report. Alderman Garrity duly seconded the motion.

Alderman Lopez stated I asked the question and I'll ask it again, I know we are going to go ahead and do the school roof, my question is, is this going to be on the city side or later on is the School Board going to be charged back, so that there is no surprises for the school.

Mayor Guinta stated this is being appropriated out of \$370,000 out of FY07 dollars, \$120,000 out of CIP cash in 08 and \$100,000 out of cash in 09.

Alderman Lopez stated I understand that, is the school department going to be charged this money and going to pay it back or are we giving this free gratis.

Mayor Guinta stated charging the school district is not part of the agreement.

Alderman Lopez responded ok, that's fine I just want to make sure that they are not going be charged later on.

Alderman Roy stated while I extremely support the Hallsville roof repair being done I just have questions, one regarding as I sit on the Joint School Buildings Committee, the School District paying the debt service on all of our \$105 million renovation and out the appropriation from the Mayor and board of Aldermen it seems like we are getting a different precedent with this school project as well as I'm slightly concerned about the use of CIP cash for a long term project that seems it should be bonded whereas the cash could be better spent on things that can't be bonded and therefore better use of taxpayer dollars. I know our motivation is to get this done and I commend you on that my question is just the process in which we are going to get there.

Mayor Guinta stated first of all I would categorize this not so much as a project but more as an emergency related necessity, due to public safety hazards that have been uncovered at the locations. Secondly about a year ago and this year and in the future one of the things I have tried to do with the CIP project is to start eliminating 5 and 10 year bonds because I think it's prohibitive and costly for us to bond at those five year rate and ten year rate. Secondly anything that we can try to pay for with cash I think makes more sense for the City. This is a bondable item but we have the cash available, and it's a necessity that has to get done immediately so I think the decision was made in this scenario to take a one time exception and focus on the emergency and get this project done as quickly as possible.

Alderman Roy stated while I absolutely ad unequivocally agree with you and I am one of the ones that stood by you about retiring 5 and 10 year bonding, I just if we could move forward on the Verizon money or the Notre Dame Bridge settlement money and then get a report from Finance as to the other \$220,000. I for one want to move this forward and I won't vote no against this specific proposal but I just want to make sure it is the best use for our taxpayer dollar, and that's my only request is that we get it going with the Notre Dame settlement money and then make sure we are following through the best we can.

Alderman Shea stated if this isn't the best money that we can help with the taxpayers then I don't know what is, so I'd like to move the question.

Alderman DeVries stated we have determined that this is not eligible for any state reimbursement.

Mayor Guinta stated I don't believe it's eligible for any reimbursement, it's a repair.

Alderman Lopez noted it was a capital repair.

Alderman DeVries stated I guess I'm referring back to the \$105 million, most of that categorized as repairs and updates and yet that was eligible. I am not looking to delay this project in any way shape or form, I think we should move this vote forward but I just don't want us to miss a reimbursement eligible piece because we have allocated this on the city side and not on the school side.

Mayor Guinta advised the Finance Officer is saying he can look into it, but it doesn't sound like it would stop us from voting in favor of this, this evening.

Alderman Long stated since also sitting on the Joint School Committee, there is more money that is going to be needed for Hallsville so whether we are getting reimbursed at 40% or not, that money is going to be needed at Hallsville eventually. I believe the final estimate was in the \$600,000 area. So this money here is just to address the emergency roof aspect of it prior to fixing the school as to where it should be.

Alderman Gatsas stated I know that the School of Technology is going to be coming up in the capital budget at the state level for funding on the \$10 million renovation there, is there a reason if we were going to bond the portion of the city's renovation costs for the school of technology would that preclude us from including the Hallsville School in that piece.

Bill Sanders, Finance Officer, responded he did not think it would preclude us.

Mayor Guinta advised it would not preclude us.

Alderman Shea stated I believe that the contractual agreement has to be signed before the end of April so the longer we prolong this the longer it is going to contribute to the situation at Hallsville.

Mayor Guinta stated if we do not sign an agreement in April we would be in jeopardy of pushing this project back to next summer, and because of the emergency nature of the issue it was my intention to bring something to this Board as quickly as possible, which is how we've come up with this funding mechanism.

Alderman Gatsas stated I am not saying putting this project off, but there is no reason why we shouldn't look for the best avenue certainly this roof is going to last 20 years, and if we are going to bond money for School of Technology, there is no reason why we can't include the \$600 in bonding.

Alderman Shea stated the point if I may add is the contractual agreement has to be signed before the end of April, that's the point because the contract, now we may discuss about the other problem and it may end up that we are discussing it in May or June or July meaning that the longer that you put off this particular project the less it's going to be done because the person would like to have all things in place by the end of April. Because otherwise he can't start the work this summer. So basically it makes no sense to me to start talking about the \$10 million project that the Governor has agreed to sign in the 09. My understanding is that the School of Technology has to come up with the bonding money in the 09 budget, that's my understanding, now there may be some differences but the governor has put off the actual appropriation until the year 09 in his 08/09 budget. So this really in my judgement has no relevancy at all to that.

Alderman Roy stated I think I may be able to bring some closure to this. If it would please the alderman from that ward what I'd like to see done is possibly two motions. One to sign the contract and a second to work out the best funding source between this Board and the Mayor's office. I have a State Senator whispering in my ear we should get 40% back from State Building Aid, I want to see this project done so I am not arguing with you there, I'd like to vote on that tonight and I'd like to see the contract signed in April and I'd gladly vote for that I just want to make sure it's the right source of funds.

Alderman Shea stated a burden of hand is worth two in the bush. I say let's get it done tonight and let's do it the way the Mayor has suggested doing it and I'd like to vote on that up or down tonight.

Alderman Lopez stated he was going to vote for it, I think that the point being that has been brought out by a few aldermen they can sign a contract start the work and everything but look into the 40% that we should be getting back from the schools that's why I made the point that if we are going to do it and the courts agreed that the school has to agree to do something with the schools so that's the only point. If we are going to save money down the line, the job is going to get done, it's just a matter of financial aspects and they can work out the financial if we are going to get 40% back if they do it bonding there is money there to do the school so I'm with you 100% it's just that I don't want to loose 40% and I don't want to surprise the school department that they have to pay a debt on the money that is being given them, and the Mayor said no they don't have to pay the debt.

Mayor Guinta stated there is a motion on the floor, the Finance Officer has indicated that the research will be done to see if we can recoup any of these funds but in the meantime I would share the concern and view with Alderman Shea that given the nature of the contract and given the fact that it has got to be signed and requires some up front monies we do have to move forward with this appropriation as soon as possible.

Alderman Smith stated safety is everybody's responsibility we have been kicking this around, let's put the money on the table take care of the children, take care of the school and worry about the other things next year, this is a top priority, Mr. Davenports been here before this Board, Mr. Shea has been adamant about it and if you can't think of the kids, you can't think of the school system you are thinking about the almighty dollar then you might as well go home.

Mayor Guinta called for a vote. The motion carried.

Resolutions relating to CIP reports:

“Amending the FY2007 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Fifteen Thousand Dollars (\$115,000) for the 2007 CIP 512007 Bass Island Blacksmith Shop Site Acquisition.”

“Amending the FY2007 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Three Hundred Sixty Nine Thousand Nine Hundred Ninety Eight Dollars and Eighty Three Cents (\$369,998.83) for the FY2007 CIP 8115607 Hallsville School Roof Repair Project.

Alderman Shea moved to refer the resolutions to the Committee on Finance. Alderman Garrity duly seconded the motion. There being none opposed the motion carried.

On motion of Alderman Pinard moved to recess the regular meeting to allow the Committee on Finance to meet. Alderman Long seconded the motion. There being none opposed the motion carried.

Mayor Guinta called the meeting back to order.

OTHER BUSINESS

11. Report(s) of the Committee on Finance, if available.

A report of the Committee on Finance was presented recommending that Appropriating Resolutions:

“A Resolution appropriating to the Manchester Airport Authority the sum of \$58,865,030 from Special Airport Revenue Funds for Fiscal Year 2008.”

“A Resolution appropriating the sum of \$15,007,892 from Sewer User Rental Charges to the Environmental Protection Division for Fiscal Year 2008.”

“A Resolution appropriating to the Parking Fund the sum of \$5,299,591 from Parking for the Fiscal Year 2008.”

“A Resolution appropriating the sum of \$2,253,110 from Recreation User Charges to the Recreation Division for Fiscal Year 2008.”

“A Resolution appropriating to the Manchester Transit Authority the sum of \$1,176,714 for the Fiscal Year 2008.”

“A Resolution appropriating to the Manchester School District the sum of \$147,250,000 for the Fiscal Year 2008.”

“A Resolution appropriating to the Manchester School Food and Nutrition Services Program the sum of \$5,898,950 from School Food and Nutrition Services Revenues for Fiscal Year 2008.”

“Raising Monies and Making Appropriations for the Fiscal Year 2008.”

“Approving the Community Improvement Program for 2008, Raising and Appropriating Monies Therefore, and Authorizing Implementation of Said Program.”

“Appropriating all Incremental Meals and Rooms Tax Revenue Received by the City in Fiscal Year 2008 and held in the Civic Center Fund, for the payment of the City’s Obligations in Said Fiscal Year Under the Financing Agreement.”

“A Resolution appropriating to the Central Business Service District the sum of \$244,000 from Central Business Service District Funds for Fiscal Year 2008.”

ought to pass and lay over and be referred to Public Hearing on April 16, 2007 in the Aldermanic Chambers of City Hall at 6:00 PM; and that Resolution:

“Continuation of the Central Business Service District.”

be referred to Public Hearing on April 16, 2007 in the Aldermanic Chambers of City Hall at 6:00 PM.

Alderman Osborne moved to accept the report. Alderman Pinard duly seconded the motion.

Alderman O’Neil stated I abstained in Finance because I wasn’t really sure what the impact was going to be and as I thought about it I have some concerns I can’t say we have ever done this in my time here. The only thing we know is the budget you put on the table. Traditionally by the time we go to public hearing there is at least some comment by the departments on the budget that is presented. That will not happen, not only schools, police fire, highway and the rest of the departments. So it will be my intent to ask for a roll call and I will vote against it in the full Board. I may be wrong but I can’t remember in my years here that we have ever done anything like this before. I have some concerns that the pros cons and etc. of the budget is going to be known going to public hearing at this time.

Alderman Lopez I did the same in Finance for the same simple reason, that this is the first in my eight years that we are doing something like this. To me it is denying a process that has been developed over the past predecessors to give an opportunity to see whether the Mayor’s budget and what the problems are within the line items that has transpired in your budget. We have millions of dollars out there and we don’t know what services we don’t know, I know you have said no layoffs but that doesn’t say department heads are not laying off people and we don’t have that knowledge. And to bypass the process for the simple reason of whatever I have no idea. Maybe your budget will pass by this Board, and looking around it probably will pass because you’ll have the five votes, but I don’t see what the hurry is, we haven’t had the public

hearing yet, the people's voices haven't spoke and the school board hasn't come in and you have individuals in the school department I think it is up to this Board if you want the school department to come in here I think a motion is in order to bring the school board in here and look at the numbers that they've worked very hard on. The end results may be the same but t least we will know all the facts. And at this time we don't know any facts whatsoever.

Alderman O'Neil noted he was asking for the roll call out of concern for the date of the public hearing.

A roll call vote was taken on the motion to accept the report. Alderman O'Neil, Lopez, DeVries, Smith, Forest, and Roy voted yea. Aldermen Shea, Garrity, Gatsas, Long, Duval, Osborne, and Pinard voted yea. Alderman Thibault was absent. The motion carried.

A report of the Committee on Finance was presented recommending that Resolutions:

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Nine Hundred Dollars (\$5,900) for the FY2007 CIP 210207 Immunization Services.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Dollars (\$5,000) for the FY2007 CIP 210607 School Based Dental Services.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Seven Hundred and One Dollars (\$5,701) for the FY2007 CIP 210707 STD Clinical and DIS Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Dollars (\$5,000) for the FY2007 CIP 211107 Substance Abuse Treatment Service Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Thousand Dollars (\$40,000) for the FY2007 CIP 214307 Girls Inc. Facility Improvement Project.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Three Hundred Dollars (\$2,300) for the FY2007 CIP 214407 Senior Wellness Funding Initiative Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Thousand Dollars (\$7,000) for the FY2007 CIP 412307 Mayor's Youth Advisory Council High School Dropout Reduction Project.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Six Thousand Five Hundred Thirty Four Dollars (\$6,534) for the FY2007 CIP 412407 Public Safety Interoperability Portable Radios Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Thirty Thousand Dollars (\$130,000) for the 2007 CIP 511407 Black Brook Dam Removal Engineering (Watershed Restoration) Project.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for the 2007 511807 Recreational Improvements Fund Project.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Dollars (\$5,000) for the 2007 CIP 511907 Preservation of the City of Manchester’s Cemetery Records Project.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Four Hundred Thousand Dollars (\$400,000) for the FY2007 CIP 610407 Housing Rehab/Lead Hazard Control Program.”

“Authorizing the Finance Officer to effect a transfer of Nine Thousand Dollars (\$9,000) from Contingency to Human Resources – Unemployment Compensation.”

“Amending the FY2007 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Fifteen Thousand Dollars (\$115,000) for the 2007 CIP 512007 Bass Island Blacksmith Shop Site Acquisition.”

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ought to pass and be Enrolled.

On motion of Alderman Pinard, duly seconded by Alderman Shea, it was voted to accept, receive and adopt the report.

13. State Legislative Update to be presented by Mayor Guinta, if available.

Mayor Guinta noted that he had nothing further than that which was contained in the agenda.

Alderman Roy noted there was a House Bill regarding retirement stating he wanted something from the four major departments as to what they believe the fiscal impact will be and also what we are looking at for possible changes in our hiring process or our ability to hire specifically in Police and Fire.

Mayor Guinta stated he didn’t know if there was more than one bill on retirement going through the legislature, there were two he believed, and noted that they would look it up and report it back to you.

13. Ordinance:

“Amending Sections 33.025 and 33.026 (License Enforcement Inspector) of the Code of Ordinances of the City of Manchester.”

On motion of alderman Duval, duly seconded by Alderman Shea, it was voted to read by title only and it was so done.

This Ordinance having had its second reading by title only, Alderman Shea moved on passing same to be Enrolled. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

On motion of Alderman Pinard, duly seconded by Alderman Shea, it was voted to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

Mayor Guinta called the meeting back to order.

A report of the Committee on Accounts, Enrollment and Revenue Administration was presented advising that Ordinance:

“Amending Sections 33.025 and 33.026 (License Enforcement Inspector) of the Code of Ordinances of the City of Manchester.”
was properly Enrolled.

On motion of Alderman Pinard, duly seconded by Alderman Smith, it was voted to accept, receive and adopt the report.

17. Request of Alderman Gatsas that the Retirement System be present to answer questions relating to division of retirement assets when a divorce occurs.

Alderman Gatsas stated I believe we have representatives from the retirement system here stating that he had a constituent that wanted to understand why they couldn't get a disbursement from the Manchester Retirement System when a divorce decree was presented.

Gerard Fleury, Executive Director of the Manchester Employees Retirement System, addressed the Board stating with him was Attorney John Rich, Jr. Counsel for the System, and between the two of us we will attempt to adequately answer your question. The Manchester Employees Contributory Retirement System operating under Chapter 218:22 Laws of 1974 as amended is exempt from having to administer any type of legal attachment or garnishment to pensions or benefits of any of its members. So in a divorce settlement generally when such legislation, preventative legislation is not present, you have a situation known as qualified domestic relations order. We have had a long standing tradition since the inception of the System that qualified domestic relation orders were not accepted. Generally when there is a divorce what we do is to determine to the greatest degree possible the present value of the members account and that is provided to the member or counsel and that value is then used for the general distribution of the assets upon divorce.

Alderman Gatsas stated is that the same procedure that is followed at the state level.

Mr. Fleury responded it is not. The State at one time had the similar type of immunity that the City Plan does, however, that law was amended in 1977 at which time they voluntarily elected to entertain doing qualified domestic relations orders. So they are operating under a different Statute then we are.

Alderman Gatsas asked if there is a reason why we wouldn't today follow the same pattern that the State does.

Mr. Fleury responded that is somewhat a matter of opinion. I will tell you administratively having been at the State system when they adopted that and now having been in Manchester that what you are avoiding is an administrative nightmare. The parties that come before the retirement plan are generally unhappy with one another seeking to do anything that they can to make life difficult for their former partners and it's far more complex then just saying well if you had a sum of money you are going split it in half, because the computation of the benefit is very difficult in a defined benefit plan. You could have an individual that as they are sitting here now is not necessarily guaranteed a specific pension when they reach normal retirement age. And it is almost impossible to quantify that present value beyond saying well, if you quit your job right now, what would you be entitled to, and that tends to be something dramatically different than if they actually continued working for the City for a number of years and became eligible for a benefit at 60 years of age. So it is something that we grapple with. Now if you have a qualified domestic relations order you have to try to put that into play. And it ends up costing the retirement system significant amounts of money and I'm looking in the area of anywhere from 10's to 100's of thousands of dollars in modifying the administrative systems because we are set up to make sure that only individuals who earn a pension and are qualified for that pension are eligible to receive it. Now we have to build those alternate business rules into those systems to allow for payments to an alternate payee. There are a number of tax implications that complicate the matters and I through experience have seen where an individual gets a qualified domestic relations order remarries, the second marriage doesn't go along and you end up with a second Quattro on the same individual and that becomes a horror show to administer. So the advice that I would give my Board of Trustees is avoid at all costs.

Alderman Gatsas stated let me understand, the State of NH obviously has the same concerns that you probably addressed. I'm not concerned with the second marriage but if somebody only has a retirement plan and no other assets and somebody says you need to give the x-spouse \$50,000 where are they going to get that money. Because this is a simple case of dividing what's in there, giving it to the spouse, and allowing them to reinvest in an IRA, I don't think anybody is telling you that you have to leave the money in the retirement system.

Mr. Fleury stated there is no provision in the statute to do any form of a distribution and you would undermine the benefit if you were to allow assets accrued to an individual to leave prior to retirement. There is no way that you can properly fund a benefit predicated on age, service credit, and average final earnings by allowing those cash proceeds to leave. It is a similar

argument to why don't we have a loan provision against the account, if the funds are not there earning then you don't have a properly funded benefit.

Alderman Gatsas asked how is the State doing it.

Mr. Fleury responded the State agrees to, I shouldn't be pining on how the state handles the administration of its statute, I have counsel that may have an opinion or that they wish to volunteer on that, they do accept qualified domestic relation orders, I know that they also have an individual dedicated full time to doing just that, and they do it at considerable expense.

Mayor Guinta asked if this was an issue that Alderman Gatsas preferred to have referred to committee for further review.

Alderman Gatsas stated certainly that I have to believe that the employees that we have here in Manchester stay married forever, but I assume that some of them don't. And if there is a benefit that is being allowed at the State level there is no reason why we should not avail the employees of this City there's a judgement somebody has a court order and for some reason somebody says the law is not there. Now if we need to change the law so people can get their settlements I would think we should do it and we should do it quickly cause there is an awful lot of pieces of legislation right now in the legislature that are flying around with about retirement and we could probably attach a very simple amendment to take care of this problem but it doesn't sound like you want to go forward with that.

Mr. Fleury stated anything is possible and if I can give you a poor analogy, we once sent someone to the moon but if we had to do it again we wouldn't do it quickly or cheaply. Could we craft legislation so that we could do qualified domestic relations orders in Manchester, absolutely. Could we do it quickly, no we could not. Even if the legislation pass, I would have to recommend that we put something like a six month requirement on there to gear up for system changes and significant fiscal impact would accompany that bill.

Alderman Gatsas stated let's move it to the committee and one that is meeting within the next week so we can get the legislature to act on this because I think it is prudent that legislation moves forward with this.

Alderman Gatsas moved to refer the matter to Human Resources Committee. Alderman Lopez seconded the motion. The motion carried.

- 18.** Communication from Leo Bernier, City Clerk, seeking permission to apply for a grant in the amount of \$5,782 from the NH State Library Conservation for the restoration of School Committee Records of the Town/City of Manchester, 1824-1868.

On motion of Alderman Garrity, duly seconded by Alderman Smith, it was voted to approve the request.

- 19.** Communication from Richard Feldman, Development Director of Cathedral of the Pines, seeking the Board's support of the US Postal System issuing a stamp featuring the "Cathedral of the Pines" located in Rindge, NH and Grand Monadnock, the most climbed mountain in the world.

Alderman Lopez stated Mr. Feldman was here, this is just the first process but he is more capable of explaining why he is doing it and how he is doing it for the Board to approve this.

Mr. Feldman addressed the Board stating this year the Cathedral of the Pines is celebrating the 50th anniversary of the Congressional enactment recognizing the Alter of the Nation. It is also the 40th anniversary of the dedication of the Women's Memorial Tower. Because of it the Board of Trustees has sought to obtain through the US Postal System a stamp recognizing the role that American men and women have played in all of our conflicts including our current ones. Cheshire County, every town and the city of Keene have endorsed this resolution and our Board has sought to go first here to Manchester for support for this resolution before we take it to every other city and town in the state of NH.

Alderman Lopez moved to adopt the resolution. Alderman Garrity seconded the motion. There being none opposed the motion carried.

- 20.** Ordinance:

"Amending Sections 33.025 and 33.026 (License Enforcement Inspector) of the Code of Ordinances of the City of Manchester."

On motion of Alderman Roy, duly seconded by Alderman Shea, it was voted to read the Ordinance by title only and it was so done.

This Ordinance having had its third and final reading by title only, Alderman Pinard moved on passing same to be Ordained. Alderman Long duly seconded the motion. There being none opposed the motion carried.

- 21.** Resolutions:

"Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Nine Hundred Dollars (\$5,900) for the FY2007 CIP 210207 Immunization Services."

"Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Dollars (\$5,000) for the FY2007 CIP 210607 School Based Dental Services."

"Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Seven Hundred and One Dollars (\$5,701) for the FY2007 CIP 210707 STD Clinical and DIS Program."

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Dollars (\$5,000) for the FY2007 CIP 211107 Substance Abuse Treatment Service Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Thousand Dollars (\$40,000) for the FY2007 CIP 214307 Girls Inc. Facility Improvement Project.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Three Hundred Dollars (\$2,300) for the FY2007 CIP 214407 Senior Wellness Funding Initiative Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Thousand Dollars (\$7,000) for the FY2007 CIP 412307 Mayor’s Youth Advisory Council High School Dropout Reduction Project.”

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“Authorizing the Finance Officer to effect a transfer of Nine Thousand Dollars (\$9,000) from Contingency to Human Resources – Unemployment Compensation.”

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On motion of Alderman Long, duly seconded by Alderman Shea, it was voted to dispense with the readings of the Resolutions by titles only.

On motion of Alderman Long, duly seconded by Alderman Shea, it was voted to include the final two resolutions listed above in the dispensement of the readings.

On motion of Alderman Pinard, duly seconded by Alderman Smith, it was voted that the Resolutions pass and be Enrolled.

TABLED ITEMS

- 22.** Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)*

This item remained on the table.

- 23.** Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)*

This item remained on the table.

24. NEW BUSINESS

Alderman O’Neil stated I was hoping that tonight, I don’t see the Chief Negotiator here but I was hoping we could start having the Chief Negotiator at meetings and I was reading minutes of a commission meeting and this bothered me a little bit, it was talking about negotiations and indicated that the department was in the process of putting together it’s list along with the Chief Negotiator’s list that is generated from the Human Resources Department and the Mayor’s office. And what bothers me if in fact the comments in the minutes are verbatim is that there is a group missing from that and that’s the Board of Mayor and Aldermen. I thought we gave the negotiator direction. We’ve met with him and I see no reference here and I’m just wondering is this generally how the departments’ feel. In response to question from Mayor Guinta, Alderman O’Neil stated that this is from Water Commission meeting specifically. I’m concerned if that’s the general tone. We gave David direction but there is no reflection in here of that.

Mayor Guinta stated that Alderman O’Neil and I did have a conversation at his request he would like David to be here after every meeting. I did honor that request but I must say that I was unable to contact him for this evening, but we can certainly start that at the next meeting.

Alderman O'Neil stated and we need a detailed account of where he is at, but what bothers me Your Honor is that there will be no contracts I don't care what the departments say I don't care what HR Department I don't care what David Hodgen said and with all due respect to you sir, it's the fifteen members sitting here that make the decision on what happens regarding contracts. So I was taken and I hope it was just an omission but I did take it a little serious if that's what was being presented that it is not the wishes of the Board of Mayor and Aldermen it's the wishes of others and I am bothered by that.

Mayor Guinta stated that I do feel that the other department heads understand that it is the Board of Mayor and Aldermen that directs negotiations, I have certainly met on behalf of this Board with other departments and we've had obviously conversations in non-public referencing those conversations. So if there is any misunderstanding hopefully this communication will clarify that.

Alderman Lopez stated I'd like to have all the departments give us one page or two page in reference to the budget, as to the minuses exactly what it means their particularly budget. And a one or two page in bullet form as to whether they have to lay off people, what money they don't have for services, whatever the case may be in reference to your budget. I'd like the City Clerk to follow that up please.

Mayor Guinta stated so noted.

Alderman Pinard reminded people of Ward 6 of the "Bring the Mayor On" meeting, I handed out 400 to about maybe 700 flyers about that, we have many issues to discuss I would like to see as money people in Ward 6 that have concerns, sewage, roads, Candia Road, School whatever that would be the time to bring it on. He hoped to see everybody there tomorrow night.

Alderman O'Neil ask clarification on Alderman Lopez's request, was there a time frame on that.

Alderman Lopez stated 72 hours should be sufficient.

Alderman O'Neil stated quickly is what you want.

Alderman Lopez replied correct.

Alderman Long stated I'm of the opinion that there is a problem with respect to a proposed development down at the riverfront by the baseball stadium. There's a developer that's moving forward on Thursday, he has a meeting with the zoning department. I know the Riverfront Committee met last week, and they recommended that the developer work with Mr. Solomon with respect to getting this development forward. I wonder if there is anything this Board can do with respect to we are an abutter to the property. Mr. Solomon is leasing from us, we are an abutter. I was wondering, I got assurances from the developer that he would do whatever would suffice Mr. Solomon with respect to the all star game coming if he has to shut down

construction for a week or two he is willing to do that. From what I read on Mr. Solomon's letter, I believe everybody must of got a copy of this, the safety issues I can understand, but I believe that traffic and safety issues can be addressed. So I'm wondering if we as a board could do a quasi approval to get this project moving and having Mr. Solomon and the developers meet at the Riverfront Committee's next meeting to work out any problems that may be in this.

Alderman Lopez stated on advice of legal counsel we had an information hearing in reference to this and on advise of legal counsel they had the right, or their representatives, to move forward to the Zoning Board. We took the issue up. I personally talked to Mr. Solomon and that's resulted in the letter to make sure it came to the Planning Department and legal channels and to the Mayor of the concern. The legality is whether the city would take up the issue and say something at the Zoning Board from what I understand from City Solicitor Tom Clark. We have not done that; we have the legality to do that. But I'll let Tom Arnold say something about that. The Zoning Board is meeting on the 5th, they've been instructed by the Committee I think it was unanimously the prospect to meet with Mr. Solomon try to work out the details I'm sure that there will be representatives at the Zoning Board of Adjustment and move forward from there. The thing that some points have been brought up, issues whether they are real issues or something can be worked out with the developers we do not know at this time. So if Mr. Arnold would like to comment legally what our responsibility is, that is what happened in the committee meeting.

Deputy Solicitor Arnold stated Board approval or permission for this project is not required. Of course as with any development project it will have to go to the Planning Board and if zoning variances are necessary it will have to go to the Zoning Board of Adjustment. Both Mr. Solomon and any member of this Board if they wish to do so are free to go to those public hearings and express their opinion, I suppose that legally the Board could take a position if it wished to do so but as Mr. Clark informed you that has not been the Board's practice in the past.

Alderman O'Neil stated my concern is that from day one this particular parcel has always been considered for future development. If I recall early on in the process Mr. Webber had considered doing some type of retail store there related to the Fischer Cats that was later scaled back I'm guessing do to the cost of the ballpark and that retail store was included in the ballpark itself. It's my belief that at one period of time the Planning Board had actually approved this site for a restaurant that never got built because of parking issues if I recall it all had to do with getting financing for parking. So I'm a little bit taken back that this is almost like a surprise that there is going to be some development there. That was always the goal from day one with this project. This is the last parcel to be developed. It's also my understanding that if it wasn't for the density issue, they wouldn't even have to request a variance because they can legally build 20 units there. I guess I'm of the opinion that something should be built there. We actually have our first real proposal to construct something on that parcel that would bring some closure. I think Mr. Catapano is still is the primary the developer is still living up to his financial commitments for that parcel. He has been a trooper through this process as there has been some

curves, he has always lived up to his obligation to the best of my knowledge this development is supported by the Rodell family who built the hotel and was part of the original proposal. It's also supported by Mr. Chinberg who is building the units on the other side of the ballpark who is one of the original members of this development. So I guess I'm a little taken back by the letter. And, if this letter is forwarded to the Zoning Board what impression this will give the Zoning Board. I'm of the opinion that the city needs to take some position, could be as simple as we support this project and support it going through its required regulatory reviews which would be the zoning board and later the planning board. But I think that if we don't take action and the ZBA sees this letter they would be of the opinion that the city is opposed to it.

Mayor Guinta noted that the letter is not signed by the city, the letter is signed by an abutter.

Alderman O'Neil replied is he really an abutter. The city is really the abutter, we own the stadium. The Fischer Cats are a tenant in the stadium. I asked that question of Attorney Clark last week.

Mayor Guinta stated that's true but again it's signed by New Hampshire Triple Play LLC.

Alderman O'Neil stated that's fine. Mr. Solomon has a legal right to submit this letter to the Zoning Board, he has a legal right to have himself or one of his representatives appear, but at the same time I think we have an obligation to go on record with the zoning board as an abutter.

Alderman O'Neil so moved that we go on record before the Zoning Board in support of granting the variance for the 36 condominium units. Alderman Osborne seconded the motion.

Alderman Lopez advised that in all sincerity that I talked to Tom Clark today and they are researching the contract to make sure that there is nothing in the contract that would have the individual, Mr. Solomon, come back and ask that the payments be lower because of this building being there and all that so maybe Mr. MacKenzie or Mr. Arnold have had some conversations but I do know that he is researching it because it was brought up in Committee and it was brought up by Alderman Gatsas and I think that there is a legality here that we better be very careful as to what we do, we could end up jeopardizing money coming in from the Fischer Cats stadium.

Alderman O'Neil asked if that meant that nothing could be built on that parcel of land.

Mayor Guinta replied no.

Alderman O'Neil stated that's what I am hearing, if Mr. Solomon opposes it nothing can be built on that parcel of land.

Mayor Guinta stated I think the letter that he authored does not say he opposes development at the location, I think he is opposing on two measures this particular project.

Alderman Long stated he is opposing on two primary areas of opposition, one is that the zoning is not allowed. The developer is proposing something not allowed by zoning, that's why they are going for a variance. The second opposition is a,b,c,d, and e walking through narrow streets and passageways leading to the stadium, which is happening now, people aren't driving in there, there is a driveway to go in there. The fire and emergency vehicles, Alderman DeVries was addressing that when they were before the Riverfront Committee, I'm sure that they are not going to get away with having egress problems with respect to that. The lack of construction staging areas, that happens all the time that is not going to be an issue, they have already set up areas where they are going to be able to put their construction, not in the way of the baseball stadium, and with the conflict with the Easter League All Star game, the developer is willing to close the construction down for that process, and then the questionable other projects. I understand, the two things that concern me are his first paragraphs of material effect on our ability to perform under the agreement, so from what I'm hearing someone is looking at that agreement. Adverse effects as they relate to our agreement with the city, he mentions that one sentence after the other sentence. I wasn't there when the agreement went in place, I'm not familiar with the agreement. What I'm looking for is to, from what I understand there was suppose to be a \$40 million added to the city, and this does 10.

Mayor Guinta stated I can tell you sitting in the Ward 3 Aldermanic Seat I shared the same concern that you are expressing now. I think that there is a valid issue that has not been addressed which is the interpretation of the agreement. We have a letter from Mr. Solomon, we don't have from our Solicitor a response to his letter that was dated again yesterday. I don't disagree that this Board may in fact want to take a position at some point, I guess I would throw to the Board is it appropriate to take that position now, or is it appropriate to take it when we have more information from our Solicitor.

Alderman O'Neil stated my concern is this is going to the Zoning Board Thursday night. If this fails with the Zoning Board this project could be dead. Where does that leave us. We haven't exactly had developers knocking down our doors to propose a project there. To the best of my knowledge we had the original that Mr. Weber was talking about doing a retail facility there, that changed, and then it seemed for years it went on as a possible restaurant that certainly would create more traffic be in operation cause a lot more operating problems for the baseball stadium. I'm just afraid if this thing fails Thursday night there may be no project so I wish all this could be worked out ahead of time but unfortunately it can't and I for one believe that entire project should be complete this is the last parcel to complete it.

Alderman Long stated Thursday's variance is the only issue with the zoning the other issues will come up on the Planning Board. The one issue of seeking a variance comes up Thursday the rest of these issues that I address will come up in the Planning Board so we still have an opportunity to make sure these issues are addressed or that our contracts, that we are not breaching our contracts.

Mayor Guinta stated let me propose a middle of the road solution. Is it possible and Alderman Long and I talked about this earlier prior to the meeting, would it be agreeable to this Board if myself, Alderman Long and either Alderman O'Neil or Lopez meet with the City Solicitor tomorrow to review the contract work out any potential issues that we are discussing now that we don't have the answer to, and then offer a phone poll to the Board prior to Thursday evening's Zoning Board meeting.

Alderman Lopez stated I would like to ask Mr. MacKenzie to weigh in on this because he is more familiar with the zoning and planning then all of us.

Mr. MacKenzie stated I would echo the comments that Tom Arnold had. Basically this is somewhat of a precedent but also it's a situation where the City is an abutter so they could actually offer testimony not as the City but basically as the abutting property owner. The question of whether this could impact future payments. My understanding of the agreement that there are provisions for reasons for Mr. Solomon but I don't think it would relate to adjacent development. But that is an issue that is a legal one and so I don't really have any more comment on that. I think the concern that Alderman O'Neil had is perhaps valid. I think there are issues that being the tenant in that property that the Fischer Cats may imply to the Zoning Board that they may be talking about the City's position too and when I read the letter I was a little bit unclear on that. So I'm not sure that there is a way to clarify that the City either supports it or does not necessarily agree with the contents of the letter, but maybe that has to be clarified somehow.

Mayor Guinta asked if a review with the City Solicitor tomorrow and a phone poll with some documentation provided to the aldermen sometime tomorrow suffice, allow us the flexibility to make a potential decision but give us the ability to have a better legal understanding.

Alderman Gatsas stated I certainly don't feel comfortable with that because there may be questions that I would like to ask the solicitor that my esteemed colleagues and yourself, certainly I give you the respect of knowing what some of those questions might be, but there could be something that might not be addressed, and certainly when you are talking about a tenant that's paying a \$950,000 bill to the taxpayers of this community. I have some concerns. And if he's got some concerns then we should address them. I don't think that this project just evolved last week. And if there was conversation then it should have come before this Board long before Monday if they knew they were going to a Planning Board or a Zoning board meeting this week. Because I asked the question and certainly I am not opposed to the project my concern is that we have a tenant that is the major tenant of that whole project. He pays \$950,000 a year. I don't have to tell you on a 20-year basis it's about \$20 million. I would say that we should get some sort of resolution or they should have had that resolution in hand before they went to the Zoning Board.

Mayor Guinta stated again the choices we have are we either vote this evening, or adopt the idea of a phone poll, which would allow any member of this Board the opportunity to meet in person or speak with solicitor tomorrow.

Alderman DeVries stated I am not totally opposed to the phone poll but I share Alderman Gatsas' concerns that there may be questions that we would like to have asked. I think my primary concern is somehow we are going to diminish even if it is just one year while the construction is going on the value of that lease in that we will end up losing more in revenue if that lease is renegotiated and we are gaining in the new annual tax payment from the new project. It has to be considered carefully. The solicitor has to weigh in on this to let us know what our options are, how great the opportunity is to diminish the value there. If you feel in your judgement, because it will end up being your call I'm afraid between now and Thursday, if you feel in your judgement that the City's position is not going to hurt if the lease is called in for renegotiations then I would feel more comfortable. That's really the answer that I'm looking for between now Thursday after conversations with solicitor, and if you don't feel that way I would not be comfortable with us making any statement before this goes before the Zoning Board which is a regulatory arm, not a governance arm, of the City.

Mayor Guinta stated given the swiftness with which this has been addressed I'm not comfortable making a recommendation today.

Alderman Shea stated I'm weighting in too in terms of concurring with what my colleague on the left said and Alderman Gatsas. I reason that we do have a tenant there who is trying to build up the Fischer Cats. He is contributing substantially to rent on the leasing of that property. The developer whose name I saw is someone that has been involved in a few situations That I am a little bit in abeyance about because he has not always fulfilled his responsibilities, at least one of the names. And I reason that we do have a tenant, he is trying to develop these Fischer Cats, they are a prominent part of that project, in fact probably the most prominent part, and I don't think we should jeopardize them to the extent that we should try to fulfill something that has come about in the last couple days, week or a month. I'm not privy to all the information, I'm not on that committee and I do appreciate the work that the committee is doing. But as far as I am concerned if I voted tonight, I would vote against that particular project right now, I feel that we should certainly honor the person who came forward, bought the Fischer Cats and is trying to develop that particular area for the city.

Mayor Guinta noted there was a motion on the floor. We have debated it for some time.

Alderman O'Neil stated what would have happened two years ago if something had got built there, we'd probably have the same issues, maybe not the variance specifically but there would be the whole Planning Board issue. What would have happened if they were under construction now with a restaurant or the condos.

Mayor Guinta stated you are saying that the #2 issues apply no matter what the project is.

Alderman O'Neil stated right, we either agree that there was suppose to be something built there, I believe there was. That was part of the original deal, Mr. Catapano was making payment in lieu of a developer moving forward on that parcel. Am I correct on that?

Mayor Guinta replied yes.

Alderman O'Neil continued stating so it is in his interest that this deal gets done. He's lived up to all his obligations, the Rodell's have lived up to theirs, Mr. Chinberg has lived up to his, what about respect for their investments down there they are both on record of supporting this. I just feel this is going to be an issue in the future if we don't address this now. I afraid that this group of developers by going to the Zoning Board and getting Zoning Board approval Thursday night or if they vote in a week or two, doesn't mean this project moves forward. There's going to be I'm guessing a very thorough review by the Planning Board that Alderman Long sits on and he happens to be the ward alderman, so I'm sure he is going to protect all interests down there.

Alderman O'Neil stated I'm willing to amend, if Alderman Long is willing to meet with legal council tomorrow, I don't need to be there.

Alderman Long noted that he was at the state house all day, asking if they could amend the motion on the condition that it doesn't effect the agreement, I can't see where the agreement would hold us hostage.

Mayor Guinta asked for clarification of the motion at present.

Deputy City Clerk Johnson stated the motion was to advise the ZBA that the city supports granting 36 condo unit project.

Alderman O'Neil moved to amend the motion to include subject to review with the city solicitor, and then a phone poll to follow. Alderman Long seconded the motion.

Alderman Gatsas requested a roll call vote.

Alderman Lopez stated that it was important that the City Solicitor weigh in on this, but I want to point out that Tom Clark said the other night three or four times, these people have the right to move forward to the Zoning Board, and asked Tom Arnold do you agree that they or agents have the right to move forward and present something to the Zoning Board is that going to get us legally in problems.

Deputy Solicitor Arnold replied I believe that the developer does have the right to make an application to the Zoning Board for a variance.

Alderman Lopez asked if this vote was to put some stipulation tot he zoning board are we in any violation of any rights that these individuals have to move forward.

Deputy Solicitor Arnold stated as I said it's not the past practice of this Board to do that, however the Board could take a position on the request for a variance.

Alderman DeVries stated I don't understand why we are rushing to put a label on this, this evening. The Zoning Board is going to take this proposal up, they will as a regulatory arm do their due diligence. Why should we influence their process, their decision tonight. This could come back to haunt us later on if it does come back as part of some legal action that diminishes the value of that lease. If we say nothing tonight and let ZBA go forward with their action without our influence we can't be held accountable at a later date, so I don't understand why we feel compelled to weigh in this evening, I think we should stay out of it.

Alderman Roy stated asked is this setting a precedent has it every been done before , or is it the first time the City has taken a position as an abutter has taken a stance.

Deputy Solicitor Arnold stated neither Mr. MacKenzie or I remember a occasion where the City has taken a stance like this. However to be clear certainly in the past aldermen have gone to Zoning Board and Planning Board to express opinions.

Alderman Roy stated but never as one body one vote.

Deputy Solicitor Arnold replied correct.

Alderman Gatsas noted the Board took a position on the property on Elm St when they were going to put a prison half way house, so I think this Board has taken positions in the past so I am certainly not going to let it go because this alderman remembers that vote.

Alderman Garrity asked to move the question.

Mayor Guinta noted there was a roll call request by Alderman Gatsas on the amendment.

In response to question Deputy City Clerk Johnson advised the amendment was to add subject to the review with the City Solicitor.

Alderman O'Neil asked if there was a phone poll in there if there is no problem.

Deputy City Clerk Johnson responded that she had heard phone poll but was not clear what the alderman had referred to

Alderman O'Neil stated if there was no problem there would be a phone poll.

Mayor Guinta stated as the alderman who made the motion you need to clarify.

Alderman O'Neil stated my intent was a chance for the Mayor to meet with the City Solicitor, and if there are no issues a phone poll will be conducted of the Board on whether on not to take a position.

Alderman Gatsas asked if that was the entire version.

Deputy City Clerk Johnson advised no, it was the amendment to the motion.

Alderman Gatsas asked if there was any way instead of voting on this twice, if Alderman O'Neil if he could amend his motion.

Alderman O'Neil stated he did not see why they couldn't vote on the amendment.

Alderman Smith stated I sit on that Board and I'm in all favor of the project at this time, but in all fairness we are going to usurp and tell the Zoning Board what to do. Yes, we are if we endorse it we are telling the Zoning Board what to do. I think we just let it go, they have to go through the Zoning Board first, they have to go through the Planning Board, there is a lot of issues out there and I don't think we should get involved with this situation right now. Like the other day, at the Committee meeting I said communication was the most important thing and it is up to the developers and the baseball people to get together we shouldn't get in the mix of it.

A roll call vote was taken on the amendment to add language subject to the review with City Solicitor with a phone poll to be conducted on the city's position if there is no problem.

Aldermen Gatsas, Duval, Lopez, Shea, DeVries, Smith, Forest, and Roy voted nay. Aldermen Long, Osborne, Pinard, O'Neil, and Garrity voted yea. Alderman Thibault was absent. The amendment failed.

Deputy City Clerk Johnson advised the motion on the floor was to advise the Zoning Board of Adjustment that City is supporting granting the 36 condo units.

A roll call vote was requested by Alderman Gatsas.

Alderman Long stated the reason why I feel this is unique is that this whole project was supported by the Board of Mayor and Aldermen, well the majority of the Board supported this project. And I feel it is our responsibility to the taxpayer to bring what's proposed that would bring to the table and this is why I feel that it's not out of position as long as it is okay with the solicitor with respect the agreement it's a unique situation where we have every right as the abutter to say whether or not we support it. We are not telling the Zoning Board what to do

we're simply saying whether or not we support the project. We are not telling them what to do, we can't tell them what to do, and they are not going to listen to us telling them what to do.

Alderman Roy stated I agree substantially with Alderman Long I also have to agree with Alderman DeVries on her eloquent words of I don't believe it is our place to be telling another regulatory commission or panel what our stance is, I think the abutters, for all intense and purpose we own the property, but we are not going to be impacted as a fiscal agent unless our tenant is impacted. They'll have a voice at the table. Their communication as his letter was received by all of us. The developer who I believe has every right to go forward and develop the property will be able to see his piece and have his experts say what the pros and cons of this development will be. I do not believe it is the place of this Board as a property owner to get into the middle of this and I just see it ending up in litigation later on. So voting no when this comes around for support is not lack of support for the project, it is lack of what I want the aldermen to be involved in.

Alderman Osborne stated without the Board giving some sort of an idea of how they feel being an abutter, I think if I was on the ZBA I think I would be wondering myself how does the City feel about this being an abutter. If we don't let him know how we feel how are they going to know.

A roll call vote was taken on the main motion. Aldermen Gatsas, Duval, Lopez, Shea, DeVries, Smith, Forest, and Roy voted nay. Aldermen Long, Osborne, Pinard, O'Neil, and Garrity voted yea. Alderman Thibault was absent. The motion failed.

Alderman O'Neil noted that he disagreed with Mr. Solomon's letter.

A Report of the Committee on Community Improvement was presented advising that it has approved a request of the Police department to purchase a replacement cruiser utilizing insurance funds and \$15,126 from MER fund balances initially designated for police vehicles.
(Unanimous vote.)

On motion of Alderman Forest, duly seconded by Alderman DeVries, it was voted to accept, receive and adopt the report.

A report of the Special Committee on Solid Waste was presented advising that it has amended and approved the CRT drop-off policy submitted by the Highway Department allowing only two (2) CRT's to be dropped off for free per day at the City's Drop-Off Facility
(Aldermen Roy, O'Neil, Lopez, and Forest voted yea; Aldermen Osborne was opposed.)

Alderman Roy moved to accept, receive and adopt the report. Alderman Pinard duly seconded the motion. There being none opposed the motion carried.

A report of the Special Committee on Solid Waste was presented that it has approved the Bulky Waste Pick-Up Program as amended by the Highway Department to include four (4) free bulky waste pick-ups per year with ten (10) items allowed during each pick-up and a twenty dollar (\$20.00) charge per item for all subsequent pick-ups.
(Aldermen Roy, O'Neil, Lopez, and Forest voted yea; Aldermen Osborne was opposed.)

Alderman Pinard moved to accept, receive and adopt the report. Alderman Roy duly seconded the motion.

Alderman DeVries asked if there was a definition of bulky waste pick up or is that as we have seen previously limited to furniture. My question being that I know in my ward some of my residences have had difficulty with small landscaping items that they are trying to dispose of, and they are not entitled to the free disposals though they have to somehow have them hauled down to the landfill and pay for poundage. So is this a new definition.

Alderman Roy stated there is a guideline that was given to the committee as far as small like lawnmowers, like oil and gas have to be removed, what type of appliances are you looking at.

Alderman DeVries stated it was not an appliance at all, I'm thinking say a used railroad tie that they have taken out of service, even if it is cut into two foot lengths is not picked up at the curbside. I think if we are going to be picking up 6 foot long couches at other residences that we should somehow figure out a way to have those picked up in the same program.

Alderman Roy stated that currently would fall under the construction debris, but I think Frank could make a note of it and see if there is something that in the sense of landscaping materials that we can work it out. We are open to any suggestions that make taxpayers a more fair playing field.

Alderman DeVries asked that this be looked into for her because she felt it was an inequity.

Alderman Shea stated he wanted to stress too under the waste collection previously certain types of materials were collected, in other words fencing and so forth. That isn't the case anymore and I think that's a problem because obviously as Alderman DeVries indicated if they are going to pick up couches and they are going to pick up other items, even if people put them in stacks of three feet or so forth, they just don't pick them up anymore. People that collect the yard waste don't pick them up so I would assume there should be a provision that people that want to get rid of a fence, or some type of material of that type, if they properly bound them and put them in stacks that they should be collected that's only fair. And if the people that we have the contract with refuse to pick them up now and the other ones did then someone should be responsible for picking them up, I don't say every week.

Alderman Gatsas stated he had two or three questions, one is how many of these items have been picked up in the course of a year, has that question be asked. How many couches, chairs.....in the course of a year has the Highway Department either been asked to remove or has removed.

Mr. Thomas stated they did not keep a record of the actual items that we pick up, we do keep a record of how many times we have been to a particular property with what we call a junk truck to pick up bulky.

Alderman Gatsas stated I guess what we are trying to curtail is the person that has made you go there 10 times.

Mr. Thomas responded that's correct, that's the focus of this stuff.

Alderman Gatsas stated okay but I guess the person that has asked you to go there 10 times has not had to ask for service from the Fire Department, or the Police Department for their services. So if we look at how we are controlling the taxation in the city by the amount of services that people are using there is no question that I agree that maybe you go to the same building 40 times, I don't know that. I don't know if there is an habitual offender out there that maybe this ordinance should be talking to and no somebody that has a 4 family that in the course of a year somebody leaves, all four tenants leave couches out there and a chair. I don't think that landlord.

Mr. Thomas stated that was why there was a proposal made to the Committee to increase the number of collections to 4 and up from 5 items to 10 items to cover most situations. The past solid waste committee had a report based on a round table discussion that was held that was presented to this Board and one of the long term recommendations were to try to control and put limits on multi family, income properties in the city so that the cost for operating this income property isn't passed on to the taxpayer with the one, two, three family properties.

Alderman Gatsas asked at your discussion Frank were there any landlords present.

Mr. Thomas responded I don't believe so, Alderman Roy is shaking his head.

Alderman Gatsas stated other than Alderman Roy being a landlord.

Alderman Gatsas stated until we get some feedback, I've got an awful lot of feedback from landlords that aren't happy with this.

Mayor Guinta stated he would accept a motion to table.

Alderman Gatsas moved to table. Alderman Osborne seconded the motion. A roll call vote was taken. Aldermen Forest, Roy, Long, Duval, Pinard, O’Neil, Lopez, Shea, and DeVries voted nay. Aldermen Gatsas, Osborne, Garrity and Smith voted yea. Alderman Thibault was absent. The motion failed.

Mayor Guinta called for a vote on the main motion to accept the report. The motion carried with Alderman Gatsas, Osborne, Garrity and Smith duly recorded in opposition.

There being no further business to come before the Board, on motion of Alderman Garrity, duly seconded by Alderman Smith, it was voted to adjourn.

A True Record. Attest.

City Clerk